

HOUSE BILL No. 1068

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1.

Synopsis: Assessment appeals. Provides that, if the county property tax assessment board of appeals (PTABOA) fails to issue a determination concerning a petition to correct errors within 180 days after the petition is filed with the county auditor, the taxpayer may petition the Indiana board of tax review (Indiana board) to correct errors in a final administrative determination. Provides that, if the PTABOA fails to approve or disapprove an exemption application within 180 days after an owner files the exemption application, the owner may petition the Indiana board to approve or disapprove the exemption application. Provides that the Indiana board is authorized to approve or disapprove an exemption application: (1) previously submitted to a PTABOA; and (2) that is not approved or disapproved by the PTABOA within 180 days after the owner filed the application for exemption. Provides that the county assessor is a party to a petition to the Indiana board to approve or disapprove an exemption application.

Effective: July 1, 2016.

Culver

January 5, 2016, read first time and referred to Committee on Ways and Means.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1068

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-1.1-11-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The county
3 property tax assessment board of appeals, after careful examination,
4 shall approve or disapprove each exemption application and shall note
5 its action on the application.
6 (b) If the county property tax assessment board of appeals approves
7 the exemption, in whole or part:
8 (1) the county assessor shall notify the county auditor of the
9 approval; and
10 (2) the county auditor shall note the board's action on the tax
11 duplicate.
12 The county auditor's notation is notice to the county treasurer that the
13 exempt property shall not be taxed for the current year unless otherwise
14 ordered by the department of local government finance.
15 (c) If the exemption application is disapproved by the county
16 property tax assessment board of appeals, the county assessor shall
17 notify the applicant by mail. Within ~~thirty (30)~~ **forty-five (45)** days



after the notice is mailed, the owner may, in the manner prescribed in IC 6-1.1-15-3, petition the Indiana board to review the county property tax assessment board of appeals' determination.

(d) If the county property tax assessment board of appeals fails to approve or disapprove an exemption application within one hundred eighty (180) days after the owner files an application for exemption under this chapter, the owner may, before the county property tax assessment board of appeals approves or disapproves the exemption application, petition the Indiana board to approve or disapprove the exemption application as authorized under IC 6-1.1-15-3(g).

(e) A petition to the Indiana board under this section shall be conducted in the same manner as appeals under IC 6-1.1-15-4 through IC 6-1.1-15-8.

SECTION 2. IC 6-1.1-15-3, AS AMENDED BY P.L.1-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A taxpayer may obtain a review by the Indiana board of a county board's action with respect to the following:

- (1) The assessment of that taxpayer's tangible property if the county board's action requires the giving of notice to the taxpayer.
- (2) The exemption of that taxpayer's tangible property if the taxpayer receives a notice of an exemption determination by the county board under IC 6-1.1-11-7.

(b) The county assessor is the party to the review under this section to defend the determination of the county board. At the time the notice of that determination is given to the taxpayer, the taxpayer shall also be informed in writing of:

- (1) the taxpayer's opportunity for review under this section; and
- (2) the procedures the taxpayer must follow in order to obtain review under this section.

(c) A county assessor who dissents from the determination of an assessment or an exemption by the county board may obtain a review of the assessment or the exemption by the Indiana board.

(d) In order to obtain a review by the Indiana board under this section, the party must, not later than forty-five (45) days after the date of the notice given to the party or parties of the determination of the county board:

- (1) file a petition for review with the Indiana board; and
- (2) mail a copy of the petition to the other party.

(e) The Indiana board shall prescribe the form of the petition for review of an assessment determination or an exemption by the county board. The Indiana board shall issue instructions for completion of the



form. The form and the instructions must be clear, simple, and understandable to the average individual. A petition for review of such a determination must be made on the form prescribed by the Indiana board. The form must require the petitioner to specify the reasons why the petitioner believes that the assessment determination or the exemption determination by the county board is erroneous.

(f) If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

(1) Initiate the review.

(2) Prosecute the review.

(g) If an owner petitions the Indiana board under IC 6-1.1-11-7(d), the Indiana board is authorized to approve or disapprove an exemption application:

(1) previously submitted to a county board under IC 6-1.1-11-6; and

(2) that is not approved or disapproved by the county board within one hundred eighty (180) days after the owner filed the application for exemption under IC 6-1.1-11.

The county assessor is a party to a petition to the Indiana board under IC 6-1.1-11-7(d).

SECTION 3. IC 6-1.1-15-12, AS AMENDED BY P.L.183-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Subject to the limitations contained in subsections (c), (d), and (i), a county auditor shall correct errors which are discovered in the tax duplicate for any one (1) or more of the following reasons:

(1) The description of the real property was in error.

(2) The assessment was against the wrong person.

(3) Taxes on the same property were charged more than one (1) time in the same year.

(4) There was a mathematical error in computing the taxes or penalties on the taxes.

(5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.

(6) The taxes, as a matter of law, were illegal.

(7) There was a mathematical error in computing an assessment.

(8) Through an error of omission by any state or county officer, the taxpayer was not given:

(A) the proper credit under IC 6-1.1-20.6-7.5 for property taxes imposed for an assessment date after January 15, 2011;

(B) any other credit permitted by law;



(C) an exemption permitted by law; or

(D) a deduction permitted by law.

(b) Subject to subsection (i), the county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county auditor finds that the error exists.

(c) If the tax is based on an assessment made or determined by the department of local government finance, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is either approved by the department of local government finance or ordered by the tax court.

(d) If the tax is not based on an assessment made or determined by the department of local government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by at least two (2) of the following officials:

(1) The township assessor (if any).

(2) The county auditor.

(3) The county assessor.

If two (2) of these officials do not approve such a correction, the county auditor shall refer the matter to the county board for determination. The county board shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county board to the Indiana board for a final administrative determination. **If the county board fails to issue a determination within one hundred eighty (180) days after a taxpayer's petition to correct errors is filed with the county auditor under subsection (i), the taxpayer may, before a determination is issued by the county board, petition the Indiana board to correct errors in a final administrative determination.** An appeal or petition to the Indiana board under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The Indiana board shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor (if any).

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

(g) A taxpayer that files a personal property tax return under IC 6-1.1-3 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's personal property tax



1 return. If the taxpayer wishes to correct an error made by the taxpayer
2 on the taxpayer's personal property tax return, the taxpayer must
3 instead file an amended personal property tax return under
4 IC 6-1.1-3-7.5.

5 (h) A taxpayer that files a statement under IC 6-1.1-8-19 may not
6 petition under this section for the correction of an error made by the
7 taxpayer on the taxpayer's statement. If the taxpayer wishes to correct
8 an error made by the taxpayer on the taxpayer's statement, the taxpayer
9 must instead initiate an objection under IC 6-1.1-8-28 or an appeal
10 under IC 6-1.1-8-30.

11 (i) A taxpayer is not entitled to relief under this section unless the
12 taxpayer files a petition to correct an error:

13 (1) with the auditor of the county in which the taxes were
14 originally paid; and

15 (2) within three (3) years after the taxes were first due.

